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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,075	02/09/2005	Nikolaus Knoflacher	AT 020052	4185

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

SEVERSON, RYAN J

ART UNIT	PAPER NUMBER
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3731

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/524,075

Applicant(s)

KNOFLACHER ET AL.

Examiner

Ryan Severson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendments filed 11 December 2006.

Drawings

2. The drawings were received on 11 December 2006. These drawings are accepted.

Specification

3. The corrections were received on 11 December 2006. The corrections are accepted. The objection to the specification is thereby withdrawn.

Response to Arguments

4. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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7. **Claims 1-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosland (3,802,309) in view of Schwartz (4,893,037) and Magnus et al. (2,423,245).** Bosland reference discloses an apparatus capable of depilating with a housing (10), a supply (12), and a blocking means (86) that interacts with the supply to secure the supply against rotation when desired (see column 6, lines 26-35). However, Bosland reference does not disclose a motor-driven take-up reel to pull up the previously applied tape to remove the hair. Attention is drawn to both Schwartz and Magnus et al. references. Schwartz reference teaches a take-up reel powered by a motor (2) and a drive connection (3 and 4) between the motor and the take-up reel for efficient retrieval of the chord or tape. Magnus et al. reference teaches a depilating device may have both a supply reel (2) and a take-up reel (4) to provide more efficient depilation of hair and the elimination of removing depilating tape by hand. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a motor-powered take-up reel for efficient retrieval of the chord or tape, as taught by Schwartz reference, with the device of Bosland reference, to provide more efficient depilation of hair and the elimination of removing depilating tape by hand, as taught by Magnus et al. reference.

8. To further clarify, Magnus et al. reference is used in the explanation of claim 1 to simply show it is old and well known in the art to have a depilation device with both supply and take-up reels. Bosland and Schwartz references disclose the proper structures (i.e. the motor, both reels, and the brake), as claimed.

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9. Regarding claims 2 and 3, the drive connection of Schwartz reference is interruptible as the means for interrupting the drive connection is a manually operated control button (see column 2, lines 21-24).
10. Regarding claim 4, the determination means of Bosland reference is the amount of time the button (60) is held. The longer the button is held, the longer the length of tape will be dispensed from the device (see column 6, lines 12-35).
11. Regarding claims 5 and 6, Bosland reference further includes a hand-operated control button (60) and the blocking means is a blocking lever (86, see figure 8). The control button, when in a first position (pressed), allows tape to be dispensed. When in a second position (released), the blocking lever moves and tape is prevented from being pulled from the supply. In this manner, the blocking means interacts with the supply reel. When in the second position, the take-up reel as previously described is capable of being powered to take-up the previously applied adhesive.
12. Regarding claims 8 and 9, the drive connection of Schwartz reference is interruptible in the manner that the chord or tape may be freely pulled from the reel. This unraveling of chord from the take-up reel is not powered by the motor, and therefore the take-up reel is capable of rotating free of the motor. When the chord or tape is desired to be taken up, the motor is powered and the direction of rotation of the reel is reversed. This action is a single-direction coupling in that the torque to wind-up the chord is only transmitted in one direction.
13. Regarding claims 10, Bosland reference discloses an application means (the opening in the housing that the tape passes through).

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14. Regarding claim 7, Bosland reference discloses an opening (see column 3, lines 3-6). However, Bosland reference does not disclose an application roller in the area of the housing. Attention is drawn to Magnus et al. reference, which teaches an application roller may be used on a depilation device (see column 5, lines 4-7) to press the tape effectively against the skin before depilation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an application roller with the Bosland device, as taught by Magnus et al. reference, to press the tape effectively against the skin before depilation.

15. Regarding claim 11, an acute angle would be formed between the supply and the wind-up reel because the wind-up reel, as taught above in claim 1, would be mounted on the device of Bosland reference.

16. Regarding claim 13, the combination of the wind-up reel powered by a motor and the drive connection allow hair to be removed from the skin.

17. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bosland (3,802,309) in view of Schwartz (4,893,037) and Magnus et al. (2,423,245) as applied to claim 1 above, and further in view of Polley (2,951,140).** The combination of Bosland, Schwartz, and Magnus et al. references does not disclose a heating device to heat the tape. Attention is drawn to Polley reference, which teaches a heating device (80, 81) may be used to heat tape to allow for stronger adhesion between the tape and the surface it is applied to. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a heating device, as taught by Polley reference, with the combined device of Bosland,

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Schwartz, and Magnus et al. references to allow for stronger adhesion between the tape and the surface it is applied to.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Severson whose telephone number is (571) 272-3142. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ryan Severson
February 15, 2007



ANH TUAN T. NGUYEN
SUPERVISORY PATENT EXAMINER

